

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
HELENA DIVISION

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

AUG 14 2001

JAMES W. McCORMACK, CLE  
By:  
DEP.CLI

**FRANK STEVENSON and REBECCA HARSHBERGER,  
ADMINISTRATRIX OF THE ESTATE OF  
MARY E. STEVENSON, DECEASED**

**PLAINTIFFS**

**VS.**

**NO. H-C-99-160**

**UNION PACIFIC RAILROAD COMPANY**

**DEFENDANT**

---

**PRE-TRIAL CONFERENCE INFORMATION SHEET**

---

Come the Plaintiffs, Frank Stevenson and Rebecca Harshberger, Administratrix, by their attorneys, Easley, Hicky, & Hudson, and for their Pre-Trial Conference Information Sheet, state:

1. The identity of the party submitting information, place and time of pretrial conference.

**RESPONSE:** Mike Easley; Easley, Hicky, & Hudson and Bob Pottroff, Myers, Pottroff & Ball.

2. The names, addresses and telephone numbers of all counsel for the party.

**RESPONSE:** Mike Easley; Easley, Hicky & Hudson, P. O. Box 1115, Forrest City, AR 72336-1115, telephone (870) 633-1447, fax (870) 633-1687; and Bob Pottroff and Steve Boyda of Myers, Pottroff and Ball, 320 Sunset Ave. Manhattan, KS

66502-3757, telephone (785) 539-4656, fax (785) 539-1750.

3. A brief summary of the claims and relief sought.

**RESPONSE:** As a result of a grade crossing accident in Vanndale, AR on 11/6/98, Plaintiffs have sued the railroad for disabling injuries to Frank Stevenson (closed head injury, partial paraplegia, and other injuries) and, for the death of Mary Stevenson, his wife. Plaintiffs also have sued for punitive damages for reckless disregard for the safety of the public, and willful and wanton conduct.

4. Prospects for settlement, if any.

**RESPONSE:** Settlement appears unlikely.

5. The basis for jurisdiction or objections to jurisdiction.

**RESPONSE:** This is a diversity case. There have been no objections to jurisdiction.

6. A list of all pending motions.

**RESPONSE:** Plaintiffs' Motion for Sanctions arising out of Defendant's use of the media to launch a public relations program in the locale of the jury pool during trial.

7. A concise summary of facts.

**RESPONSE:** On 11/6/98, Plaintiffs were in their Nissan Pulsar heading west on Arkansas Highway 364 in Vanndale, when struck by a southbound UP train.

8. All proposed stipulations.

**RESPONSE:**

- (a) That the following are genuine, authentic, and admissible:
  - (1) all medical records of Frank Stevenson;
  - (2) the USDA aerial photograph of the scene;
  - (3) the funeral bill of Mrs. Stevenson.
- (b) That medical bills incurred by Mr. Stevenson, and the funeral bill of Mrs. Stevenson, were reasonable and necessary, and that all were proximately caused by the collision of 11/6/98.
- (c) That the crewmembers on the train were, at the time of the collision, employees of the UPRR, and acting within the scope and authority of their employment with the railroad.
- (d) That Mr. Stevenson's "Medical Expense Summary" attached to his actual bills, constitutes a summary under Rule 1006, and is admissible.
- (e) All photographs or videos of Mr. and Mrs. Stevenson before and after the wreck are admissible.
- (f) All witnesses endorsed by the parties hereto and any exhibit listed by any of the parties hereto, may be used by the other party without further endorsement or listing.
- (g) Legible copies of original documents may be offered and admitted into evidence without further objection on the ground of best evidence rule.

- (h) Reproductions, including enlargements, projected images and overlays of documents listed as exhibits hereto may be used in this litigation so long as any reproduction or overlay thereof does not otherwise distort the document.
- (i) That parties and all witnesses may use diagrams, charts, video recordings and photographs, to include enlargements, to facilitate presentation of testimony and evidence.
- (j) Blackboards, white boards, sketch pads or other similar writing devices, may be used to further facilitate the presentation of evidence and testimony.
- (k) All persons who are contingently necessary persons for purpose of this litigation have been joined as parties hereto.
- (l) Foundation for the BNSF Engineers Instruction Manual.
- (m) Nobody from the railroad made any notation as to where the lead locomotive came to rest following the accident.
- (n) Written discovery responses signed by counsel for the railroad is binding on the railroad.

9. The issues of fact expected to be contested.

**RESPONSE:** See Fact List attached hereto.

10. The issues of law expected to be contested.

**RESPONSE:**

- (a) Whether defendant can suggest that a motorist is required to stop at a RR crossing with passive warning devices if he cannot see or hear a train?
- (b) Whether the RR has a duty to work with landowners, local road authorities and the state to address issues created by sight triangle obstructions?
- (c) The extent to which Federal Rule 406 will allow evidence concerning routine practices of the UPRR in failing to sound horns, failure to preserve evidence, creation of false evidence, and other wrongful conduct.
- (d) Can defendant railroad advance claims that plaintiff or any other motorist has the duty to clear visibility obstructions from the railroad's right of way?
- (e) To what extent the railroad's education program that blames the motorist for virtually all accidents created the circumstances and conditions that contributed to this accident.
- (f) The extent to which punitive damages should be awarded based upon evidence of defendant's continued course of willful conduct, wanton conduct and reckless disregard for safety.
- (g) The extent to which punitive damages should be awarded based upon defendant's creation of false evidence.
- (h) The extent to which punitive damages should be awarded based upon defendant's failure to preserve evidence.
- (i) The extent to which punitive damages should be awarded based upon defendant's intentional decision to ignore known safety hazards.

- (j) The extent the railroad can re-argue its destruction of voice tapes and track inspection records to lessen the prejudicial effects of the Court's rulings.
- (k) The extent to which defendant can argue that the dismissal of Operation Livesaver, Inc. as a defendant, immunizes the railroad from evidence that its own safety programs caused or contributed to the accident.

11. A list and brief description of exhibits that will be offered in evidence.

**RESPONSE:**

- (a) A list of exhibits is attached.
- (b) Plaintiffs reserve the right to introduce or refer to any exhibit identified by the Defendant.
- (c) It is believed that plaintiffs have identified all relevant deposition exhibits for the following people: Plaintiff's experts Bernard Abrams, Alan Blackwell, Archie Burnham, Jerry Cusick, Ken Heathington, Harvey Levine, David Lipscomb, Jim Scott, Larry Williams, Charles Venus, and Helen Woodard. UPRR employees Jeff Ball, J.L. Barnes Jr., Dennis Beachler, Eldon Boswell, Bruce Brown, Danny Brown, Douglas Burrows, Debbie Davis, Mark William Davis, Doug Donham, Dennis Duffy, Kenny Eppes, Charles Felkins, Greg Fowler, Eddie Fuller, Lynn Fuller, Alice Going, Jerry Hardesty, Karen Jacobs, William Jacobs, Dennis Jacobson, Steve Kenyon, Phillip Lawson, Patricia Long, Ed Martin, Michael Myer,

Robert Owens, Aaron Pratt, Harvey Rainey, Michael Reed, John Rogers, John Schumacher, Leo Schwertley, Joan Scott, Cliff Shoemaker, Hans Chris Skinner, Thomas Soriano, Herbert Stuart, Glen Stutznecker, and Gary Leroy Tyner. If not, all the deposition exhibits for these individuals should be available for use at trial.

12. A list and brief description of charts, graphs, models, schematic diagrams and similar objects which will be used in opening statement or closing argument whether or not they will be offered in evidence.

**RESPONSE:** Plaintiffs intend to use the following in opening:

- a) Survey of the scene
- b) Aerial photo of the scene
- c) Video clip of crossing and loose spike
- d) The videotape illustrating the scene and expert opinions on how the accident occurred
- e) Photographs of Mr. & Mrs. Stevenson
- f) Photographs exchanged in discovery
- g) Defendant's written discovery responses
- h) Event recorder readouts
- i) Excerpts from UP's General Code of Operating Rules
- j) Excerpts from UP's past and current claims manuals
- k) Empty boxes to represent missing records
- l) Sight Distance illustrations [RRHGCHb]
- m) UP rough crossing quotes
- n) UP management depositions quotes

13. The names, addresses and telephone numbers of all witnesses who will be called, excluding witnesses to be used solely for impeachment or rebuttal. (Indicate the nature of the testimony to be given by each witness, i.e. liability, expert, property damages, pain and suffering, etc.)

**RESPONSE:** See attached witness list.

14. Any request to amend pleadings.

**RESPONSE:** None.

15. The current status of discovery, a precise statement of the remaining discovery and an estimate of time required to complete discovery.

**RESPONSE:** The parties have conducted about 75 depositions, and have about 10 left to do (these were agreed upon before the discovery deadline). Two are depositions of elderly persons unable to attend trial. Three, concerning the videotape illustrating expert opinions, are depositions plaintiff has agreed to allow. One is an ex-employee agreed upon by the parties following a Court order, but not deposed due to the need for service of a subpoena, which is now completed. One is plaintiff's economist. Both parties have mentioned there may be a need for trial depositions of a few witnesses.

16. Suggestions for expediting disposition of the action.

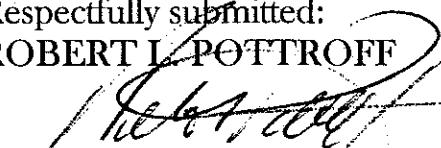
**RESPONSE:** The Court should rule well ahead of trial on the admissibility of Plaintiff's video illustrating expert opinions, which, if allowed, will shorten the trial by one to two days. In this case, a picture is "worth [more than] a thousand words". The Court may be assured that Plaintiffs understand the importance of streamlining the case, and are working diligently to do so. The case can also be shortened by requiring the

parties to stipulate foundation of exhibits and deposition transcripts of ex-employees unless good cause to contest the foundation exists. Unnecessary delay can also be prevented if the Court will issue an order directing defendant to take all necessary steps to insure that one of its numerous safety [public relations] programs will not be launched in the locale of the jury pool from now to the end of trial.

17. An estimate of length of trial.

**RESPONSE:** Two weeks if no media blitz has to be addressed during trial.

Respectfully submitted:  
ROBERT L POTTROFF

  
MYERS, POTTROFF & BALL  
A Professional Association  
320 Sunset Avenue  
Manhattan, Kansas 66502-0489  
[785] 539-4656  
Supreme Court No. 10220  
Attorney for the Plaintiff

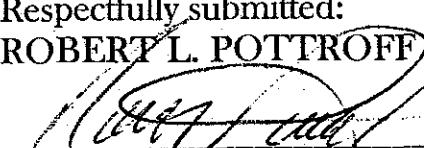
## CERTIFICATE OF SERVICE

I, Robert L. Pottroff, hereby certify that a true and correct copy of the above and foregoing document was delivered on the 13<sup>th</sup> day of August, 2001, addressed to:

Mr. Scott H. Tucker  
2000 Regions Center  
400 West Capitol Avenue  
Little Rock, AR 72201-3493  
Via e-mail: stucker@fec.net  
Attachments via fax 501-376-2147  
Via Fed Ex Overnight Delivery

Original and two copies filed w/  
Clerk of the Court  
U.S. District Court / Arkansas- Helena  
Division,  
600 W. Capitol Avenue  
Room 402  
Little Rock, AR 72201  
Via Fed Ex Overnight Delivery

Chamber copy to:  
Judge William Wilson  
U.S. District Court / Arkansas- Helena  
Division,  
600 W. Capitol Avenue  
Little Rock, AR 72201  
Via Fed Ex Overnight Delivery

Respectfully submitted:  
**ROBERT L. POTTROFF**  
  
\_\_\_\_\_  
**MYERS, POTTROFF & BALL**  
A Professional Association  
320 Sunset Avenue  
Manhattan, Kansas 66502-0489  
[785] 539-4656  
Supreme Court No. 10220  
Attorney for the Plaintiff

## Stevenson Case - PRETRIAL EXHIBIT LIST

Identif...	Full Name
001	Motor Vehicle Accident Report
002	Harvey Rainey Statement to Police
003	Statement of Eldon Boswell to Highway Patrol
004	Statement of Thomas Quinn Jones to Highway Patrol
009	Manager's Report of Highway-Rail Grade Crossing Accident Form 20816X
010	Data Event Recorder Graphic Printout
011	Data Event Recorder Data Table
012	Advanced Consist
013	Timetable Number 1: North Little Rock Area 10/25/98
014	Track Warrants & Bulletins
015	UPRR North Little Rock Area Profiles
016	Scheduled Train Summary-All Events
021	Event Recorder Manual: Train Trax Data Analysis Program Users Guide
022	Affidavit of Samuel Stevenson
023	Affidavit of Alice G. Going
024	Affidavit of David Peterson
025	Affidavit of Charles Felkins
026	Event Recorder Download disk
027	Event Recorder Printouts from Bob Owens
029	Bob Owens / Patricia Long Correspondence
032	ASPLUNDH vegetation control contract and cover letter
040	Locomotive 9263 Maint Held Detail
047	Locomotive specifications / Drawings for UP9263
050	Physical Characteristics Inquiry for UP6180

**Stevenson Case - PRETRIAL EXHIBIT LIST**

Identif...	Full Name
051	Dispatchers Record of Movement of Trains
052	General Code of Operating Rules [All rules 1994-2000]
053	UP Grade Crossing Resource Manual
054	UP's Yellow Operation Lifesaver [UP 1985 Presenter's Manual]
055	OLI Presenter's Guide [1994-current]
056	UP Claims Operations Reference Guide [1992]
057	UP Claims Manual [current]
058	UP Track Standards
059	UP Engineering Track Maintenance Manual
060	Program Guide for Early OLI programs
063	AAR General Claims Conference Work Manual
064	FHWA Railroad-Highway Grade Crossing Handbook 1978
065	FHWA Railroad-Highway Grade Crossing Handbook - Second Edition (1986)
066	Nancy McCulloch Van Accident Report
067	Union Pacific General Rules for Administering Discipline Effectively UPGRADE Policy
068	The Visibility and Audibility of Trains Approaching Rail-Highway Grade Crossings Report, May 1971 Final Report [Aurelius Study]
069	Levine Report
070	UP financial records & public documents listed in Attachments to Levine Report
071	Attachments to Levine Report
074	Cusick Photos
075	Williams Photos
076	Reed Photos [with photo sheets]
077	Long Photos [with photo sheets]
078	Channel 3 News Video

## Stevenson Case - PRETRIAL EXHIBIT LIST

Identif...	Full Name
079	Video of track pins at crossing
081	Blackwell Videotape, Ex 19 to Depo
082	Video of Expert Opinions [Johnson-Cusick]
083	UPRR Geometry Car Video of 6/12/95
084	UPRR Geometry Car Video of 1/4/99
085	Lipscomb Photos
086	Stevenson [family] Photos
089	UPRR Geometry Car Video 1997
090	Timetable 2 -10/29/95 [Pratt Depo Ex 1]
091	Timetable No. 8 [Pratt Depo Ex 2]
099	Sight Distance for Combination of Highway and Train Vehicle Speeds Table
102	Heathington's Data Summary Report with Exhibits
104	UP's Responses to Plaintiff's Interrogatories
105	UP's Responses to Plaintiff's Requests for Production
106	UP's Responses to Plaintiff's Requests to Admit
114	Maintenance of Way Rules
120	Safety Assurance & Compliance Program Report-Union Pacific, February 1998
121	Studies of railroad grade crossing accidents from Blackwell Deposition
122	Blackwell Map
125	Blackwell Inspection Report
126	Blackwell Supplemental Report
127	UP Senior Management Meeting from Blackwell Deposition
128	Accident Investigation Guidelines Booklet from Blackwell Deposition
129	Chief Engineers Instructions and Bulletins

**Stevenson Case - PRETRIAL EXHIBIT LIST**

Identif.	Full Name
130	Photos used by Alan Blackwell
134	Survey Plot by Jerry Cusick
135	Aerial Photos used by Jerry Cusick
136	Survey with aerial overlay
137	Jerry Cusick Field Notes
138	Jerry Cusick Videotape
139	List of Survey Points by Cusick
140	Manual on Uniform Traffic Control Devices, 1988
141	Traffic Control Devices Handbook, 1983
142	A Policy on Geometric Design of Highways and Streets, American Assoc. of State Highway and Transportation Officials, 1984 and 1990
143	Comparing Speeds for Four Modes of Transportation with Equal Momentum Table
144	Impact of Train Speed on Fatalities and Personal Injuries in United States Table
145	Highway-Rail Crossing Accident/Incident and Inventory Bulletin, FRA 1994, 1995, 1996
146	A Policy on Geometric Design of Rural Highways, 1954, American Assoc. of State Highway Officials
147	Traffic Engineering Handbook (4th Edition), Institute of Transportation Engineers, Prentice Hall, Inc., 1992
148	Traffic Accident Investigation Manual, The Traffic Institute, Northwestern University, Stannard J. Baker 1975
149	A Final Word on SAFETY!, Howard L. Anderson, FRA, September 1979
150	Highway Collision Analysis, James C. Collins and Joe L. Morris, 1967
151	Killer Roads: From Crash to Verdict, Richard S. Kuhlman, Contemporary Litigation Series
152	Factors Influencing Safety at Highway-Rail Grade Crossings, National Co-Operative Highway Report 50, Highway Research Board
153	Manual for Railway Engineering, 1990, American Railway Engineering Association
154	Forensic Audiology by David M. Lipscomb
155	Proceedings, Grade Crossing Safety Symposium, 1968
156	Transportation and Traffic Engineering Handbook (Second Edition, 1982)

**Stevenson Case - PRETRIAL EXHIBIT LIST**

Identif...	Full Name
157	Plaintiffs Medical Bills
158	Plaintiffs Medical Records
159	Mary Stevenson funeral bill
160	All exhibits to be introduced at the deposition of Charles Venus
161	Forensic Aspects of Vision and Highway Safety, Bernard Abrams, OD
163	Visual/human factor problems with crossing by Abrams
164	Eye/Physiology References used by Bernard Abrams
165	U.S. Naval Observatory Sun & Moon Data for November 6, 1998
166	Lipscomb Intake Memo/Notes
167	Lipscomb Reference Materials
168	Octave-Band Sound Survey Form, Lipscomb
169	Measured Sound Output of Locomotive Horns, Lipscomb October 2000
170	Preliminary Audibility Analysis
172	Life Care Plan and Deposition Exhibits of Helen Woodard
173	Cross County Railroad Crossings Vandale Corridor Chart 1 (Burnham)
174	Burnham Case Notes
184	Burlington Northern Railroad Engineers Instructions
197	Sound Measurements by Cusick
201	UPRR debris left on property Clarence Johnson [gatearm]

**Stevenson Case Pretrial WITNESS LIST**

Full Name	Addresses	Phone Numbers	Type #
Gerty Allen	PO Box 41 Vanndale, AR 72387	no phone	Fact Witness
Claudette Barber	46 Cross 372 Wynne, AR 72396	870-238-0790	Fact Witness
Chris Barber	46 Cross 372 Wynne, AR 72396	870-238-0790	Fact Witness
Ernest Cantrell	813 Oak St. Cross Co. Road Dept Wynne, AR	870-288-5445	Fact Witness
J.L. Barnes, Jr. and Sr.	Althiemer Ark	870-766-4581	Fact Witness
Alan J. Blackwell	2601 Lynn Ct. North Platte, NE 69101	308-534-3160	Expert Witness
Jerry Cusick	Wichita, KS	316-265-7217 (W) 316-262-8917 (H)	Expert Witness
Jerry Evans	60 Cross 362 Wynne, AR 72396	870-238-8010 (H) 870-238-3201 ex. 2209 (W)	Fact Witness
Hoyt Futtell	Wynne, AR	870-238-5453	Fact Witness
Betty Gill	Hwy. 364 E. Vanndale, AR		Fact Witness
Lynn Greenhaw	PO Box 62 2975 Hwy 364 E Vanndale, AR 72387	870-238-7312	Fact Witness
John Grounds	Cross Co. Road Dept 717 Murray Ave Wynne, AR	870-238-3916	Fact Witness
T. (Michael) Hall	Cross Co. Sheriff's Office Wynne, AR	870-238-5700	Fact Witness
Brian Hogland	Vanndale, AR 72387	870-238-3247 (mother)	Fact Witness
Mark Johnson	2001 Rosswood Dr. San Jose, CA 95124	408-879-9666	Expert Witness

## Stevenson Case Pretrial WITNESS LIST

Full Name	Addressess	Phone Numbers	Type
Rebecca Harshberger	815 Walnut Ave Cherry Valley, AR	870-588-4895	Fact Witness
Glynis Headley	PO Box 182 Vanndale, AR 72387	870-238-7436	Fact Witness
Roy Headley	PO Box 182 Vanndale, AR	870-238-7436	Fact Witness
K.W. Heathington	Applied Research Associates 7653 Charlton Drive Knoxville, TN 37920	865-573-0500	Expert Witness
Jackie Henton	Vanndale Elementary School Vanndale, AR	870-588-2333	Fact Witness
Nancy Hill	Highway 364 Vanndale, AR 72387	870-238-4293	Fact Witness
Bill Hinckey	PO Box 122 3007 Hwy. 364 E Vanndale, AR 72387	870-238-8887	Fact Witness
Michael Inman, PhD.	1209 Green Mountain Dr. William Little Rock, AR 72211	501-224-8404 (H) 501-202-7617 (W) 501-661-6800 (Pager)	Expert Witness
Clarence Johnson	220 Murray Wynne, AR 72396	870-238-7799	Fact Witness
Michael Johnson	Cross Co. Sheriff's Dept Wynne, AR	870-238-5700	Fact Witness
JoAnn Roberson	Vanndale Elementary School Vanndale, AR	870-588-2333	Fact Witness
Ashley Sanders Hill	unknown moved after marriage	unknown	Fact Witness
Frances Sanders	2958 Hwy 364 Vanndale, AR 72387	870-238-4214	Fact Witness
Betty Jones	3181 Highway 364 Vanndale, AR 72837	870-238-3962	Fact Witness

## Stevenson Case Pretrial WITNESS LIST

Full Name	Addresses	Phone Numbers	Type +
Don Smith	Superintendent, Cross Co. School District Cherry Valley, AR	870-588-2333	Fact Witness
Thomas Quinn Jones	3181 Highway 364 Vanndale, AR 72387	870-238-3962	Fact Witness
Christine Lambert	410 County Road 333 Cherry Valley, AR 72324	870-588-4704	Fact Witness
Gary Sanders	Cherry Valley, AR	870-588-4390 870-588-4228(H)	Fact Witness
Jim Scott	Jim Scott & Associates 101 Rose Trace Court Blountville, TN 37617	423-279-9349	Expert Witness
Michael Selig	US District Court for Eastern District of Arkansas St. Highway and Transportation Dept William Little Rock, AR	870-588-4704	Fact Witness
Timmy Lambert	410 County Road 333 Cherry Valley, AR 72324	870-238-8052	Fact Witness
Virginia Marie Lawson	2945 Highway 364 Vanndale, AR 72387	301-530-6022	Expert Witness
Harvey Levine	10904 Earlgate Rockville, MD 20852	402-271-4357	Fact Witness
Cliff Shoemaker	UPRR Director, Industry & Public Projects 1416 Dodge Street Omaha, NE 68179	Cross County Road Dept Wynne, AR	Fact Witness
Carter Sides		360-629-4865	Expert Witness
David Lipscomb	Correct Service, Inc. P.O. Box 1680 - mailing 7727 272nd N.W.	unknown	Fact Witness
William Little	1850 N. Avalon		

## Stevenson Case Pretrial WITNESS LIST

Full Name	Addressess	Phone Numbers	Type +
**	Apt. 132 West Memphis, AR 72301	**	**
Jeff Ball			
Nancy J. McCulloch	312 Rowena Wynne, AR 72396	870-238-4149	Fact Witness
Brent R. Mower	1880 Steiner St. #410 San Francisco, CA 94115	408-765-3039	Liability Witness
Eldon Boswell	Vanndale, AR		Fact Witness
Eileen Peeler			Fact Witness
Lee Persons	3024 Highway 364 E. Vanndale, AR 72378	unpublished	Fact Witness
Grant R. Sperry	Forensic Document Examination Services, Operation Lifesaver, Inc. 7859 Cross Pike Drive Germantown, TN 38138-8117	901-759-0729	Expert Witness
Carla Stevenson	Hwy 364 E Vanndale, AR 72387		Fact Witness
Ernest J. Peters, PE	Peters & Associates Engineers, Operation Lifesaver, Inc. PO Box 21638 William Little Rock, AR 72221	501-225-0500	Fact Witness
Frank Stevenson	P.O. Box 131 Elowah, AR 72428	870-633-1447	Fact Witness
Calvin Yeasley	3114 Highway 364 Wynne, AR	870-238-0102	Fact Witness
Charles Venus	BIE Incorporated Bank of America Plaza, Suite 1610 200 West Capitol Avenue William Little Rock, AR 72201	501-375-0403	Expert Witness
Nanette Ward	P.O. Box 8	870-238-0172	Fact Witness

## Stevenson Case Pretrial WITNESS LIST

Full Name	Addressess	Phone Numbers	Type +
**	2268 Hwy #1 N Vanndale, AR 72387	**	**
Alfred Buddy Watson	Hwy 1 B Vanndale, AR 72387	870-588-6090	Fact Witness
Larry Williams	901 CR759 Jonesboro, AR 72401	870-930-7494	Expert Witness
Kenneth Witcher	Wynne, AR		Fact Witness
Bruce Brown			Fact Witness
Hellen Woodard	ReEntry Rehabilitation Services, Operation Lifesaver, Inc. 1435 Reed Street Lakewood, CO 80215	303-238-3700	Expert Witness
Tommy Wright	Cross County Sheriff's Office 903 West Union Wynne, AR 72396	870-238-5700 (W) 870-238-6355 (H)	Fact Witness
Archie Burnham			Expert Witness
Danny Brown		870-534-8109	Liability Witness
UPRR Management			Fact Witness
Leatrice Wilson			Fact Witness
Patricia Long			Fact Witness
Aaron Pratt			Liability Witness
USDA rep	Butch Kelley 1940 N Fall Wynne, AR 72396	870-238-3285	Liability Witness
Martha Proctor	1523 E. Union Ave. Wynne, AR	870-238-4508	Fact Witness
UPRR former employees			Liability Witness
Mary Smith	6 Chestnut Lane Stafford, VA 22554	540-752-5852	Damages Only

## Stevenson Case Pretrial WITNESS LIST

Full Name	Addresses	Phone Numbers	Type +
Wesley McGee	109 W Parkin Parkin, AR	870-755-2289	Fact Witness
Michael Reed			Fact Witness
Herbert Stuart			Liability Witness
Travis "Sonny" Taylor	PO Box 1165 Cherry Valley, AR 72324	870-238-2313	Fact Witness
Lenox Holliday	10 CR 7670 Wynne, AR 72396	870-238-3858	Fact Witness
Doug Donham			Fact Witness
Eddie Fuller			Liability Witness
John Wayne Taylor, Sr	896 CR 147 Hickory Ridge, AR 72347	870-588-7186	Fact Witness
Bill Winkler			Fact Witness
Burlington Northern Rep			Liability Witness
Ruth Sanasac	1704 Whirlwind Trail Austin, TX 78664	512-246-2453 512-576-3759	Damages Only
Charles "Pewee" Stegall			Fact Witness
James Taylor	PO Box 12 Wynne, AR 72396	870-238-8948	Fact Witness
Bernie Abrams			Expert Witness
Douglas Burrows			
Debbie Davis			
Dennis Duffy			
Kenny Eppes			
Charles Felkins			
Greg Fowler			
Lynn Fuller			

## Stevenson Case Pretrial WITNESS LIST

Full Name	Addressess	Phone Numbers	Type +
Alice Going			
Karen Jacobs			
William Jacobs			
Dennis Jacobson			
Steve Kenyon			
Phillip Lawson			
Robert Owens			
Ed Martin			
Michael Myer			
Harvey Rainey			
John Rogers			
John Schumacher			
Leo Schwertley			
Joan Scott			
Hans Chris Skinner			
Thomas Soriano			
Glen Stutzegger			
Gary Leroy Tyner			
Mark William Davis			
Jeremy McGowan	PO Box 314 Bernie, MO 63822	573-293-6491	Liability Witness
Terrance Braden, MD	PO Box 717 Jonesboro, AR 72403	870-933-5163	Medical Provider
Willard Burks, MD	710 South Falls Boulevard Wynne, AR 72396	870-238-2321 (Office) 870-238-3300 (Hospital)	Medical Provider

## Stevenson Case Pretrial WITNESS LIST

Full Name	Addresses	Phone Numbers	Type + Liability Witness
D. W. McGriff	RT. 5, Box 403 Star City, AR 71667	870-628-5958	
Howard Whitfield		501-835-3697	Liability Witness
Greg Baker	St. Louis, MO	314-533-8901	Liability Witness
William Faulk	1111 Winnebago N. William Little Rock, AR	501-753-6402	Liability Witness
B. J. "Bobby" Gibbs	1915 Hwy. 31 Beebe, AR 72012	501-882-6921	Liability Witness
Melvin Watson	2107 Gerty Allen Circle Central City, AR	501-452-3697	Liability Witness
Zane Hurst	301 Chestnut Street Walnutridge, AR 72476	870-886-9561	Liability Witness
Eugene Redfern	1909 S. Glenwood Ave. Springfield, IL 62704	217-544-8651	Liability Witness
Dewey Duncan	14122 Ironton Cut Off Road William Little Rock, AR	501-888-2170	Liability Witness
Carl Whitten	PO Box 623 Greenbrier, AR 72058	501-679-2428	Liability Witness
Bill Russell	Jacksonville, AR	501-985-0195	Liability Witness
Richard Hess	1792 North Falls Wynne, AR 72396	870-238-9370	Liability Witness
M.W. "Mike" Russell	6013 Karen Drive N. William Little Rock, AR	501-851-1989	Liability Witness
Donald Smith	2026 North Hills Drive Cabot, AR	501-941-2948	Liability Witness
Freddie Hudson	Cottonclint, AR	870-459-2570 501-412-7388 (Cell)	Fact Witness
Officer Larry Williams2	Cross County Sheriff's	870-238-5700	Fact Witness

## Stevenson Case - Disputed Facts

#	Fact Text
1	Grade crossing timbers were loose before the collision, at the time of the collision, and after the collision.
2	Prior to the Stevenson Accident spikes in the crossing were loose, at times sticking up above the road surface, and popping up when vehicles traversed the crossing.
3	Prior to and after the Stevenson Accident crossing timbers were loose and occasionally became totally dislodged from the crossing.
4	Loose timbers, dislodged timbers and loose spikes were not properly repaired by the UPRR.
5	Vegetation growth on UP right of way not clear cut pursuant to Arkansas Law.
6	Vegetation growth on UP right of way and adjoining landowner land viewed by UP employees but no action taken before the collision to correct the dangerous condition which prevented drivers from detecting an oncoming train from either direction.
7	The condition of the loose grade crossing timbers and pins was a serious safety hazard to the public and diverted a driver's attention from detecting an approaching train from either direction before the collision, at the time of the collision and since the collision.
8	The condition of the vegetation on the UP right of way before the collision, at time time of the collision and for some period of time after the collision was a serious safety hazard to the public and obscured a driver's view of an approaching train.
9	The UP failure to clear cut the vegetation on the UP right of way pursuant to Arkansas law is negligence contributing to the cause of the collision.
10	The UP failure to contact the adjoining landowner or take action to eliminate the visibility obstructions on adjoining land within the sight triangle is negligence and contributed to the cause of the collision.
11	The UP over many years failed to control vegetation along the railroad corridor at the Highway 364 crossing and all along the line connecting Wynne and Jonesboro.
12	Prior to the Stevenson Accident UP management had knowledge of vegetation obstructions at Highway 364 grade crossing.
0	
13	Frances Sanders observed vegetation growth near the grade crossing before the collision and at the time of the collision that was dangerous for a driver.
14	Frances Sanders observed the loose grade crossing timbers and heard the rumble of the loose timbers when vehicles passed over before and after the collision.
15	Frances Sanders has observed trains passing through Vanndale at the Highway 364 crossing blowing just short whistles and at times no whistles at all.
16	Crewman at the scene of the collision while Stevensons were being tended by the emergency personnel that when collisions occur it is, "Always the driver's fault."
17	During slow down or recessionaly periods track maintenance functions and employees are among the first to be cut.

**Stevenson Case - Disputed Facts**

#	Fact Text
18	During and before 1998, there were cutbacks in maintenance that affected the maintenance of vegetation control and materials for grade crossing repair, i.e. no vegetation control at the Highway 364 crossing and reject ties being installed.
19	The Highway 364 grade crossing was one of the most dangerous crossings on the Wynn Sub because of the lack of vegetation control.
20	UP track inspections were often "paper reports" made without an actual inspection have been completed.
21	UPRR knows that loose grade crossing timbers and loose pins are indicative of serious defects in the grade crossing structure.
22	The UP management did not want a paper trail of any serious track or grade crossing safety defects as evidence in case there was an incident of damage or injury.
23	Adjoining landowners to the Highway 364 grade crossing, were never contacted by the UP for any reason. If contacted he would have given permission to cut any vegetation on their property that contributed in any way to a visibility problem at the Highway 364 grade crossing.
24	The pattern and practice of the UP has been to fail to record complaints concerning safety defects at the Highway 364 grade crossings and other grade crossings in Vanndale.
25	The pattern and practice of the UP has been to destroy any evidence of complaints or records showing safety defects at the Highway 364 grade crossing and other grade crossings in Vanndale.
26	The pattern and practice of UP management has been to ignore train crew complaints and public complaints concerning vegetation obstructions at the Highway 364 grade crossing.
27	The pattern and practice of UP has been to cut back on maintenance crews and materials needed to maintain a safe grade crossing at the Highway 364 and other grade crossing in Vanndale.
28	The pattern and practice of the UP has been to fail to record safety defects or destroy any records that have been made to avoid any responsibility for liability in the event of a collision.
29	The pattern and practice of the UP has been to maintain a work environment that intimidates its non-management employees so that statements given by employees protect the railroad from any liability claims.
30	The pattern and practice of the UP is not to inform local road authorities or the state authority of near misses, complaints or safety defects at grade crossings, and in particular the Highway 364 grade crossing.
31	UP had prior notice that its traincrews were not blowing train horns properly at the 364 Crossing.
32	The UP does not employ sufficient means to find and correct visual problems at grade crossings, and did not in this case
33	UP does not have in place or utilize effective reporting procedures so as to report and retain information that would prevent other grade crossing collisions.
34	Many people have notified the railroad of problems at this crossing prior to the Stevenson Accident.

**Stevenson Case - Disputed Facts**

#	Fact Text
35	The train horn was not properly blown before the Stevenson Accident.
36	Near misses were not properly reported or investigated.
37	Prior accidents were not properly investigated.
38	Proper investigation of near misses, accidents and complaints at this crossing should have identified the safety problems that caused the Stevenson Accident.
39	UPRR has elected to ignore safety hazards and make certain that no records of such hazards exist. This practice allows such hazards to continue without being properly addressed. This intentional choice of the UPRR contributed to the Stevenson Accident.
40	UPRR has elected to ignore safety hazards and make certain that no records of such hazards exist. This practice has created an atmosphere where employees know that it is futile to report crossing safety hazards. This intentional choice of the UPRR and the resultant apathy of its employees contributed to the Stevenson Accident.